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LETTER DATED 24 DECEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF ETHIOPIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you a copy of a report covering the efforts made by the Organization of African Unity (OAU) High-level Delegation on the Dispute between Ethiopia and Eritrea, submitted to the Fourth Ordinary Session of the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution, held at the summit level at Ouagadougou on 17 and 18 December 1998 (see annex).

The conflict between Ethiopia and Eritrea was one of the issues dealt with by the OAU Central Organ of the OAU Mechanism at its fourth session.

The Central Organ considered the report of the OAU High-level Delegation on the dispute between Ethiopia and Eritrea and endorsed the proposal for a framework agreement submitted by the OAU High-level Delegation and affirmed that the proposal constitutes an appropriate framework for the resolution of the dispute between the two countries. To that end, the Central Organ called upon the two parties to continue to cooperate with the OAU High-level Delegation with a view to creating the necessary conditions for a speedy implementation of the framework agreement.

The OAU proposal for a framework agreement envisages, among other things, the withdrawal of Eritrean armed forces from the Ethiopian territory of Badme and its environs as well as the restoration of the Ethiopian civilian administration to those territories. The Government of Eritrea continues to reject these and other core elements of the OAU proposal.

Ethiopia's position on the OAU peace proposal is well known. In a letter dated 12 November 1998, the Prime Minister of Ethiopia, Meles Zenawi, informed the current chairman of OAU, Blaise Compaore, President of Burkina Faso, that the Government of Ethiopia had formally and officially accepted the High-level Delegation's peace proposal. This position of Ethiopia was reiterated at the OAU Central Organ summit on 17 December 1998 in Ouagadougou.

The Government of Eritrea, which rejected the OAU peace proposal and relegated it to "talking points", continues to undermine the OAU peace effort by creating confusion and by levelling unfounded allegations against some of the

members of the OAU High-level Delegation and the OAU itself. Eritrea's rejection of the OAU peace proposal, and its persistent assault on all peace efforts and initiatives make it evident that the Eritrean authorities have no desire to resolve the crisis between them and Ethiopia peacefully.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Duri MOHAMMED
Ambassador
Permanent Representative

Annex

Report on the efforts made by the OAU High-level Delegation on the Dispute between Ethiopia and Eritrea

1. The dispute between Ethiopia and Eritrea was one of the major preoccupations of the 68th Ordinary Session of the OAU Council of Ministers and the 34th Ordinary Session of the Assembly of Heads of State and Government held in Ouagadougou, Burkina Faso, from 1 – 10 June, 1998. The escalation of the dispute, especially the use of air strikes, was a source of grave concern for the Heads of State and Government.

2. After having been extensively briefed by the Ministers of Foreign Affairs of Ethiopia and Eritrea on the positions of their respective countries and following its deliberations on the issue, the Assembly of Heads of State and Government adopted a Resolution in which it :

- *expressed deep concern over the escalation of the conflict;*
- *endorsed the relevant Resolution of the 68th Ordinary Session of the Council of Ministers on the crisis between Ethiopia and Eritrea; and urgently appealed to the two parties to, concurrently and simultaneously, put an end to all hostilities, accept and implement the recommendations of the Facilitators;*
- *decided to send, to Ethiopia and Eritrea, a delegation of Heads of State and Government of the Central Organ to be led by the Current Chairman.*

3. Subsequently, during a meeting of the Central Organ held at Summit level, immediately after the closing of the Thirty-fourth Ordinary Session of the Assembly, it was agreed that the OAU High Level Delegation will be led by the Current Chairman, and comprise the Heads of State of Djibouti, Zimbabwe and Rwanda as well as the Secretary General of the OAU.

4. The OAU High Level Delegation visited Ethiopia and Eritrea on 18 and 19 June 1998. In undertaking its mission, the OAU High Level Delegation was guided not only by the letter but also by the spirit of the Summit's Resolution, whose ultimate objective was to ensure that everything was done to put an end to the

hostilities, bring about a peaceful solution to the dispute and restore a climate of cooperation and friendship between the two sisterly countries.

5. In both countries, extensive discussions were held with Prime Minister Meles Zenawi and President Isaias Afeworki respectively, who stated the positions of their respective countries and expressed their disposition to seek a peaceful solution to the dispute. In that regard, the Ethiopian side reiterated its acceptance of the proposals of the Facilitators which, among others, provided for the redeployment of the Eritrean Forces from Badme to positions held prior to May 6, 1998, and for the demilitarization, delimitation and demarcation of the common border. The Eritrean side, on the other hand, stated that, as far as it was concerned, the Facilitation Process was over. It made it clear that it considered OAU's efforts as a new initiative. Eritrea also submitted proposals which focused on the demilitarization and demarcation of the entire border between the two countries.

6. It is to be noted that during the visit of the OAU High-Level Delegation, the leaders of both Ethiopia and Eritrea expressed support and pledged their full cooperation to ensure the success of OAU efforts.

7. At the end of its discussions with the leaders of both Ethiopia and Eritrea, the High Level Delegation issued the following Statement:

> ***"There is no need to recall the circumstances which prompted the OAU Summit in Ouagadougou to send a High-Level Delegation of Heads of State to Ethiopia and Eritrea.***
>
> ***It may be useful however to recall the Summit Decision on this grave issue:***
>
> ***a) The Summit expressed its deep concern over the escalation of the conflict;***
>
> ***b) The Summit urgently appealed to the two Parties to, at the same time and simultaneously, put an end to all hostilities, accept and implement the recommendations of the Facilitators;***
>
> ***c) The Summit decided to send to both countries a delegation of Heads of State and Government.***

The OAU High-Level Delegation was led by President Blaise COMPAORÉ of Burkina Faso, the Current Chairman of the OAU. It included President Robert MUGABE of Zimbabwe, President Pasteur BIZIMUNGU of Rwanda, the Minister of Foreign Affairs of Djibouti, representing President Hassan Gouled APTIDON, Current Chairman of IGAD and the Secretary General of the OAU.

The Delegation held, yesterday morning, a meeting with Prime Minister Meles Zenawi of the Federal Democratic Republic of Ethiopia. It then proceeded to Asmara, where it met with President Isaias Afwerki of the State of Eritrea. The Delegation had another meeting this morning with Prime Minister Meles Zenawi.

The Delegation listened carefully to both Parties which articulated their respective positions. It welcomed the disposition reiterated by both Parties to seek a peaceful solution to the dispute and avoid further escalation of the conflict. It also welcomed the current climate of restraint and cessation of hostilities observed by both Parties.

It will be recalled that the Facilitators have put forward some proposals to both Parties as a way of bridging the gap between them. These proposals were supported by the Ouagadougou Summit.

In the course of its discussions with both Parties, the Ethiopian side reiterated its acceptance of the proposals of the Facilitators. The Eritean side stated clearly that the Facilitation was over.

From this point of view therefore, the Delegation was not able, at this juncture, to make headway with respect to the Facilitators recommendations.

The OAU will nonetheless continue with its efforts. The issue is too serious and grave and deserves the continued attention of the Organization.

The OAU Delegation continues therefore to be seized with the matter. It will continue with its efforts at the levels of Ambassadors of the members of the Delegation, Ministers and Heads of State. It will seek the cooperation of both Parties to help them reach a peaceful solution. In this endeavour, the

OAU Delegation will build on the areas where there is convergence of approach and views between the two Parties.

In the meantime, the OAU Delegation urged both Parties to continue to exercise maximum restraint and avoid taking any action which could escalate the tension and further harm the future relations between the two countries.

Addis Ababa,
19 June, 1998".

8. As a follow-up to the decision of the OAU High Level Delegation, a Committee of Ambassadors was established. It adopted the following Terms of Reference deriving from the directives of the High-Level Delegation:

a) to *collect information from the two Parties on the development of the crisis and on any other additional view they would have on the ways and means to solve the conflict;*
b) *to collect, from the two Parties or any other appropriate International Organization and Agency, information which would make it possible to determine the authority which was administering Badme before 12 May, 1998;*
c) *to reiterate the appeal made to the two Parties by the OAU Delegation of Heads of State during its visit so that they :*

- *continue to observe the moratorium on air strikes;*
- *maintain the present situation of non hostilities;*
- *refrain from any action which could worsen the situation and harm further the relations between the two countries (making the civilian population and socio-economic infrastructures the targets; measures against the nationals of each country).*

9. On 24 June 1998, the General Secretariat of the OAU addressed a Note Verbale to the Ministries of Foreign Affairs of Ethiopia and Eritrea, informing them of the Terms of Reference of the Committee and seeking the cooperation of the concerned Authorities of both parties in carrying out its tasks.

10. On June 25, the Secretary General received a communication from the Minister of Foreign Affairs of the State of Eritrea regarding, among other things, paragraph (b) of the Terms of Reference on the Administration of Badme prior to May 12. In the communication, the Minister declared that :

> ***"We fail to see the rationale of this task. It must be borne in mind that Badme is one of several Eritrean towns "contested" by Ethiopia, although we do not as yet know the totality of Ethiopia's claims other than what can be inferred from the map of Tigray Administrative Region that carves large swathes of Eritrean territory. For example, it would make equal sense for the Committee to collect information as to which Authority administered Adi Murug prior to July 1997. For the OAU to investigate into one without considering the other is making an unacceptable prejudgement. Moreover, administration by itself does not have any meaning if the process by which this administration was installed is illegal. What is of critical importance is where Badme, Adi Murug and other areas lie within the recognized boundary. We therefore request that point No. 2 be deleted from the tasks as it can be accommodated within task Number 1."***

11. Following this communication, the Committee deemed it necessary to have a meeting with the Ambassador of Eritrea to Ethiopia so that he could provide further clarity on his Foreign Minister's letter. During the meeting, the Committee made it clear that the Terms of Reference were entrusted to it by the Heads of State and not by the Parties. Therefore, neither the parties nor the Committee could change the Terms of Reference. It was further indicated that the issue of Badme was included in the Terms of Reference because of the doubt which surrounded the matter during the discussions that the OAU High Level Mission had with the President of Eritrea. To clear the doubt, the Heads of State had decided to entrust the Committee with the task of ascertaining which Administrative Authority was in place before the events of 12 May 1998.

12. The Ambassador of Eritrea affirmed that his country felt that, within the spirit of transparency, it should inform the Committee of its reservations before its Members travelled to Asmara, Eritrea. He indicated that the Committee should not focus exclusively on Badme since there were other contested areas, where clashes occurred in July and August 1997. He, however, pointed out that the reservations of his country should not be taken as an attempt by Eritrea to impose a precondition on the visit of the Committee to Asmara.

13. During a subsequent meeting of its members, the Committee decided to take note of the reservations of Eritrea. However, it was made clear that it would not be appropriate for the Committee to negotiate its Terms of Reference with either Party. It was therefore decided that the Committee should strictly stick to its mandate as formulated by the Heads of State and organize the information collected from both parties and other relevant sources in a way that it would meet the expectations of the Heads of State. Such an approach, it was concluded, did not in any way imply that the Committee would not take due note of any additional information presented by either of the Parties, which would help shed more light on the complexities of the current dispute between Ethiopia and Eritrea.

14. On this understanding, therefore, the Committee of Ambassadors[1] undertook its mission to Asmara and Addis Ababa from 30 June to 9 July 1998. In both capitals, the Committee held substantive discussions with the leaders and high officials of both countries and representatives of International Organizations, the Diplomatic Community and NGOs. These discussions revolved around the Terms of Reference of the Committee of Ambassadors. Both Parties were able to present their respective positions at length. They also reaffirmed their support for the efforts of the OAU to resolve the dispute between them peacefully. It is to be noted that the Eritrean side reiterated its reservation on the second Term of Reference of the Committee relating to the Administration of Badme.

15. At the end of its mission, the Committee of Ambassadors drafted a comprehensive report, which was submitted to the Ministers of the member countries of the OAU High-Level Delegation.

16. It is important to note that, in fulfilling its mandate, the Committee of Ambassadors was particularly conscious of the need to perform the task entrusted to it with absolute and impeccable integrity. In that regard, the Ambassadors spent the same number of days in both capitals and undertook the same consultations. They took into account the view points of both sides and ensured that they were reflected, as accurately and comprehensively as possible, in the report.

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[1] On 28 June 1998, President Pasteur Bizimungu of Rwanda wrote to President Compaore, the OAU Current Chairman, informing him of Rwanda's decision to withdraw from the OAU High-Level Delegation.

17. Following the fact-finding mission of the Ambassadors, the Ministers of Foreign Affairs of Burkina Faso, Djibouti and Zimbabwe as well as the OAU Secretary General met in Ouagadougou, Burkina Faso, from 1st to 2nd August 1998. They considered the report of the Committee of Ambassadors. The Ministers endorsed the report and the observations made by the Committee of Ambassadors. They also considered a set of draft recommendations prepared by the Committee of Ambassadors based on their findings. The Ministerial Committee enriched the recommendations and eventually approved them. These recommendations were based on an approach which reflects a true African spirit. Such an approach was not aimed at accusing or humiliating either of the Parties, but rather to defuse the misunderstanding which led to the dispute. In essence, the approach was generous in the form but clear on the principles. The recommendations endeavoured to take into account the legitimate concerns of both Parties, which could be addressed in a peaceful manner.

18. In putting forward those recommendations as a basis for a fair and peaceful solution, the Committee of Ambassadors, and subsequently, the Ministerial Committee took into account earlier proposals made to the Parties, the proposals submitted by Eritrea to the OAU High-Level Delegation as well as their own views deriving from their findings and analysis.

19. It was in that spirit that the recommendations for a comprehensive and lasting settlement were prepared for the consideration of the OAU High-Level Delegation.

20. The Ministerial Committee further agreed on the content of an Introductory Note which was read out by the Chairman on behalf of the Ministerial Committee and subsequently handed over to the Ministers of Foreign Affairs of Eritrea and Ethiopia. The two Ministers were received by the Ministerial Committee twice separately.

21. The Introductory Note was as follows:

« Honourable Minister,

May I, first of all, welcome you once again to Ouagadougou. I would like also, on behalf of the Committee, to thank you for having kindly responded to our invitation in spite of the short notice.

Your arrival in Ouagadougou bears witness to the attachment of your country to the search for a peaceful solution to the conflict. Furthermore, it is a testimony of the confidence that your country places in the Organization of African Unity through its High-Level Delegation.

This attachment and confidence were, besides, largely shown during the visit of the OAU High-Level Delegation to your country and during the recent mission of the Committee of Ambassadors.

As you are aware, at the end of its visit to Addis Ababa and Asmara, immediately after the 34th Ordinary Session of the Assembly of Heads of State and Government of the Organization of African Unity, the OAU High-Level Delegation decided, among others, to pursue its efforts at the level of Ambassadors, Ministers and at its own level.

Within that framework, a mission was assigned to the Committee of Ambassadors to :

1) *collect information from the two Parties on the development of the crisis and on any other additional view they would have on the ways and means to solve the conflict;*

2) *collect, from the two Parties or any other appropriate International Organization and Agency, information which would make it possible to determine the authority which was administering Badme before 12 May, 1998;*

3) *reiterate the appeal made to the two Parties by the OAU Delegation of Heads of State during its visit so that they :*

   - *continued to observe the moratorium on air strikes;*
   - *maintained the present situation of non hostilities;*
   - *refrained from any action which could worsen the situation and harm further the relations between the two countries (making the civilian population and socio-economic infrastructures the targets; measures against the nationals of each country).*

The Committee of Ambassadors carried out its mission in the two capitals from 30 June to 9 July, 1998 and submitted to the Committee of Ministers a comprehensive report.

In the light of that Report and the observations contained herein, the Committee of Ministers is at present endeavouring to prepare a set of recommendations which, it hopes, will contribute to the search for a peaceful, just and lasting solution to the dispute between the two brotherly countries.

In its approach, the Committee of Ambassadors was imbued by the deep desire to contribute in an objective and serene manner to the search for a peaceful end to the conflict and that in an African spirit marked by brotherhood and generosity.

We shall wholeheartedly endeavour to propose recommendations which we deem to be fair, taking into account the legitimate concerns of the Parties and the ideals and principles of our continental Organization. In our approach, our concern was to avoid that the irreparable take place between the two brotherly countries and that a peaceful solution be found, as soon as possible.

It is obvious that, in a situation like the one which is of concern to us today, it is difficult to find a solution which will satisfy fully the two Parties at the same time. From then, we said to ourselves that it was possible, in spite of those difficulties, to find an acceptable solution where each Party, by making a step towards the other one, would contribute to peace building.

It is in the light of all this that I have the honour, on behalf of the Committee, to invite your reaction to a certain number of observations which emerged at the end of the recent mission which the Committee of Ambassadors had undertaken to Asmara and Addis Ababa, in conformity with the mandate entrusted to it by the OAU High-Level Delegation.

1. We note that divergent points of view continue to exist between the two Parties, both on the origin and evolution of the dispute and the issues which must be considered to resolve the crisis :

For the Eritrean Party, the crisis between Eritrea and Ethiopia has its origins in the violation by Ethiopia of the colonial borders of Eritrea and the occupation of some parts of its territory by force. According to it, it is a border dispute which can be settled by technical and legal means (demarcation and, in case of controversy, arbitration). All the other issues, including that of Badme, are aimed, according to it, at creating diversion. In that connection, the Eritrean authorities referred to the proposals they submitted for a comprehensive settlement of the dispute. Eritrea considers that the Facilitation is over; consequently, it considers the efforts of the OAU as a new initiative which must serve as a framework for all the efforts aimed at finding a peaceful solution to the dispute.

The Ethiopian side considers that there are two distinct issues involved in the present conflict. First, there is what it considers as the act of aggression perpetrated by Eritrea which, according to Ethiopia must be undone and not rewarded. Then, there is the problem of the border dispute which must be considered once Eritrea will have withdrawn its forces from Badme and its environs. Ethiopia continues to accept the recommendations of the Facilitators and to consider the role of the OAU High-Level Delegation to be the implementation of the decision adopted by the Summit of the Organization in Ouagadougou and which it accepted without reservation.

2. With regard to the authority which was administering Badme before 12 May 1998 and on the basis of the information at our disposal, we have reached the conclusion that Badme Town and its environs were administered by the Ethiopian authorities before 12 May, 1998. This conclusion does not obviously prejudge the final status of that area which will be determined at the end of the delimitation and demarcation process and, if necessary, through arbitration.

3. With regard to the appeal made by the OAU High-Level Delegation to the two Parties to exercise restraint, we note with satisfaction the reaffirmation made by the two Parties about their readiness to accept the appeal of the African leaders :

- with regard to the moratorium on the air strikes, the two Parties respected the moratorium;

- *the two Parties also maintained the situation of no hostilities. However, a substantial mobilization of troops on both sides of the border must be noted.*

- *with regard to the appeal made to the two Parties so that they refrain from any action likely to worsen the situation and harm further the relations between the two countries, the Committee was hardly encouraged by what it observed about the treatment of nationals.*

- *Concerning the situation of Ethiopians in Eritrea, the Committee obtained information on the summons and, in some cases, the detention of Ethiopians. Information reaching the Committee also mentioned the expulsion of Ethiopians from the Assab area. The Government of Eritrea denied the information and pointed out that it was ready to allow an independent verification of those reports. The Committee could not establish the reality of a systematic or official action directed against Ethiopians in Eritrea.*

- *As regards the situation of Eritreans in Ethiopia, the Committee met the deported Eritreans in Asmara and the detainees in Ethiopia. The Ethiopian Government justified its action with motives of national security, mentioning the fact that, according to it, the persons concerned were either EPLF combatants or persons who had a military training or still persons who had contributed financially to the war efforts of Eritrea. However, the conditions in which those deportations were carried out, the decision to extend those measures to families of the deported persons and the fate of their properties are a source of deep concern.*

The attention of the Committee was drawn to the reservation expressed by the Eritrean Government on point (b) of the Terms of Reference of the Committee of Ambassadors on the administration of Badme and its environs. The reservation of the Eritrean Government stressed the fact that the OAU would prejudge the dispute if it investigated to establish which authority administered Badme without doing the same for the areas such as Adi-Murug before July 1997; Eritrrea considered that as unacceptable. Furthermore, the Government of Eritrea maintained that « the Administration in itself was not valid if the process by which that

administration had been established was illegal. What is of capital importance is to establish where Badme, Adi-Murug and other areas were situated within the recognized borders ».

Our Committee understands the viewpoint of Eritrea on the origin of the conflict and notes, in this connection, its concerns about the incidents which would have taken place at other places on the common border in July 1997. It further takes note of the evolution of the conflict due to the escalation which occurred after 12 May, 1998. It is, nevertheless, of the view that what happened in Badme between 6 and 12 May constitutes a fundamental element of the crisis. Consequently, the challenge to be taken up is to find a solution to that particular problem within the framework of a comprehensive settlement of the conflict in all its dimensions.

In so doing, it will be to allow the spirit of compromise to prevail, which will make it possible to respond to the fundamental concerns of each of the Parties while respecting the principles of our continental Organization.

Before concluding, may I stress the important fact that all the eyes of the world are on Africa and all the hopes are based on the outcome of the mission entrusted to the OAU High-Level Delegation so that a peaceful solution can be found to the conflict. But beyond the hope placed in the OAU, the solution to this crisis depends, first and foremost, on the common will of the two Parties to make profitable use of the good offices of our continental Organization.

I thank you ».

22. In reaction to the Introductory Note read by the Chairman of the Ministerial Committee, the Eritrean Minister of Foreign Affairs expressed Eritrea's appreciation for the integrity, professionalism and courage with which the Committee of Ambassadors conducted its work. He also stated that his country was indebted to the Ministerial Committee for its fair and impartial handling and its commitment to a just and peaceful solution. He reiterated that the origin of the conflict was Ethiopia's violation of the territorial integrity and sovereignty of his country as well as its armed aggression against Eritrea in 1997. The Minister reiterated his country's reservation on point 2 of the Terms of Reference of the Committee of Ambassadors "as a pre-judgement" and as an "a priori to take

Ethiopia's position that only Badme merits an investigation". He objected to the conclusion that Badme and its environs were administered by Ethiopia prior to May 12. The Eritrean Minister also made some remarks on the findings of the Committee of Ambassadors on the humanitarian situation. He further objected strongly to the statement that what happened in Badme between 6 and 12 May was a fundamental element of the crisis.

23. In an earlier statement, the Minister encouraged the OAU to "*consolidate the prevailing de facto state of non-hostilities*". In that regard, he submitted, on behalf of his Government, the following proposals: "*immediate and unconditional cessation of hostilities and direct talks; and deployment, under the auspices of the UN, of an African Observer Force on the border areas between the two countries to ensure that there will be no more fighting*"

24. In response, the Ministerial Committee affirmed that the Ambassadors had taken into account the view points of both sides and conducted their work on the basis of the Terms of Reference given to them by the Heads of State and with an absolute and impeccable integrity. They reiterated that the events in Badme are those which brought the dispute between Ethiopia and Eritrea to the attention of the OAU and the international community and that the issue of Badme should be dealt with in the efforts aimed at seeking a peaceful solution to the crisis.

25. In reaction to the Introductory Note, the Ethiopian Minister of Foreign Affairs expressed the sincere appreciation of his Government for the commitment of the OAU to assist the two countries in finding a solution to their dispute. He expressed satisfaction at the conclusion reached by the Committee that Badme and its environs were administered by Ethiopia prior to May 12, which "was obvious" as far as his Government was concerned. In that regard, he stressed the need to ensure the return to the **status quo ante**, because without movement on that issue, there will be no movement in the overall search for peace. Regarding the humanitarian situation, the Minister indicated that what his country had done was just to ask all those involved in the espionage network set up by the Eritrean Government in Ethiopia to leave the country. He further stated that there was no comparison between the expulsion of Eritreans from Ethiopia on national security grounds and the massacres of innocent school children in Mekele and Adigrat by the Eritreans, let alone the brutal treatment meted out to Ethiopians in Eritrea. He, however, acknowledged that there could have been some excesses and assured the Committee that the Ethiopian Government would strive to rectify them.

26. The Ministerial Committee reiterated its concerns over the treatment of Eritreans in Ethiopia, adding that the measures being implemented had the potentials of creating bitterness among people and affect many innocent people. While acknowledging the legitimate security concerns of Ethiopia, the Members of the Committee urged the Ethiopian Authorities to do their utmost to exercise restraint and avoid any excesses.

27. At the end of its meeting in Ouagadougou, the Ministerial Committee came to the conclusion that there was no noticeable breakthrough as the positions of the Parties had not changed significantly. It, however, noted that the high emotions which characterized the attitudes of the two Parties at the very beginning of the crisis had decreased somewhat. They also noted that, beyond the positions of principle of the Parties, the problem lies in the sequencing of events. The Ministers were of the view that they had gone as far as they could and that any attempt to obtain commitments on the key issues could lead to a breakdown of communication with the Parties. They agreed that more political work was still required and, in that regard, felt that more time was needed. They also agreed that it would be premature at that stage to submit the recommendations to the Parties, noting that it was up to the members of the OAU High-Level Delegation to do so in view of the mandate entrusted to them.. They finally agreed on the content of a Communique to be read out to the Parties and which was subsequently circulated to the media.

28. That Communique was as follows :

> *« The Ministerial Committee of the Member States of the OAU High-Level Delegation on the dispute between the State of Eritrea and the Federal Democratic Republic of Ethiopia met in Ouagadougou, Burkina Faso, from 1 to 2 August, 1998, under the chairmanship of Mr. Ablassé Ouedraogo, Minister of Foreign Affairs of Burkina Faso. The meeting was attended by Dr. Stan Mudenge, Minister of Foreign affairs of Zimbabwe, Mr. Mohamed Moussa Chehem, Minister of Foreign Affairs of Djibouti, as well as by Dr. Salim Ahmed Salim, the OAU Secretary General.*
>
> *The Committee considered the Report of the Committee of Ambassadors, which visited Eritrea and Ethiopia from 30 June to 9 July, 1998, within the framework of the mandate given to it by the OAU High-Level Delegation.*

The Ministerial Committee also met and held separate consultations with the Ministers of Foreign Affairs of Ethiopia and Eritrea. The consultations focused on the Report and observations submitted by the Committee of Ambassadors based on its Terms of Reference, as well as on the ways and means of promoting a peaceful, just and lasting solution to the current dispute between Eritrea and Ethiopia.

The Committee was encouraged by the disposition reiterated by both Parties to seek a peaceful solution to the dispute and, to that end, extend full cooperation to the OAU High-Level Delegation.

The Ministerial Committee will submit its recommendations to the Heads of State members of the OAU High-Level Delegation for their consideration and action as they deem appropriate.

The Ministerial Committee reiterated to the two Parties the appeal of the OAU High-Level Delegation for the continued observance of the moratorium on air strikes and the present situation of no hostilities, and to refrain from any action which could further aggravate the situation and harm the relations between the two countries and their peoples.

At the end of its deliberations, the Committee was received by H.E. Mr. Blaise Compaoré, President of Burkina Faso and Current Chairman of the Organization of african Unity. The Committee briefed the Current Chairman on the outcome of its meeting.

Ouagadougou, 2 August, 1998 »

29. Following the meeting of the Ministerial Committee, both Ethiopia and Eritrea issued Press Statements on 4th and 5th August, 1998, respectively (see Annexes I and II).

30. The OAU High-Level Delegation met in Ouagadougou on 7 and 8 November, 1998. The meeting was attended by all the leaders who are members of the OAU High-Level Delegation, namely President Blaise Compaoré of Burkina Faso, President Hassan Gouled Aptidon of Djibouti and President Robert Gabriel Mugabe of Zimbabwe. The meeting was also attended by the OAU Secretary

General, Dr. Salim Ahmed Salim, while the UN Secretary General was represented by Ambassador Mohamed Sahnoun as an Observer.

31. The meeting was preceded by preparatory sessions at the level of Ambassadors and, subsequently, at Ministers level to review the proposals they have put forward at their meetings in Ouagadougou in August.

32. The OAU High-Level Delegation approved a Statement to be delivered to the two Parties by the Current Chairman on behalf of the Delegation. The Statement reads as follows :

"Mr. President of the State of Eritrea,

OR

Mr. Prime Minister of the Federal Democratic Republic of Ethiopia,

I wish, at the outset, to welcome you to Ouagadougou on behalf of the members of the OAU High-Level Delegation and on my own behalf. Your presence here today is a testimony of your renewed commitment to encourage a peaceful and negotiated resolution of the dispute between the State of Eritrea and the Federal Democratic Republic of Ethiopia and to cooperate with the OAU High-Level Delegation. There is no need to stress the expectation coupled with hope and anxiety raised by this meeting in our continent and beyond its shores. Indeed, it is not an exaggeration to state that all eyes are focused on Ouagadougou with the ardent wish to see Ethiopia and Eritrea move away from the spectre of war to take the more exalting path of peace and lay the solid foundation for the present and future generations of their people to live in harmony and friendship.

At the time we are meeting, we are conscious of the huge responsibility on our shoulders : For us, because of the mandate entrusted to us by our colleagues; but also and particularly for you because of the heavy responsibility that you bear towards your people.

On our part, it is with a particularly high sense of duty and responsibility that the OAU High-Level Delegation has endeavoured over the past few months

to find ways and means of arriving at a comprehensive, peaceful and negotiated solution to the border dispute between Eritrea and Ethiopia. It is neither necessary to refer again to the tense atmosphere and alarm with which the Ouagadougou Summit considered the dispute, then characterized by a tragic escalation on the ground, nor to give a detailed description of all the efforts made by the OAU since the outbreak of this crisis.

As you are aware, after the adoption of the Resolution by the 34th Ordinary Session of the OAU Assembly of Heads of State and Government and the meeting of the Central Organ our Delegation visited Ethiopia and Eritrea from 18 to 19 June 1998. In both countries, the Delegation held in-depth talks with Your Excellency on the different aspects of the crisis.

At the end of our visit and after expressing our concern over the seriousness of the crisis and the need for the OAU to give sustained attention to it, we agreed to pursue our efforts at the level of Ambassadors, Ministers and at our own level. At the same time we appealed to both countries to show restraint and abstain from any action that could worsen the situation and harm further the relations between the two countries.

Thus, in order to collect more specific and detailed information on the various aspects of the crisis, we instructed the Committee of Ambassadors, to go to Asmara and Addis Ababa. The Committee carried out its mission in the two capitals from 30 June to 9 July 1998 on the basis of the mandate which we entrusted to it. The Committee held in-depth talks with the authorities of the two countries. It also held enlightening meetings with the representatives of the diplomatic community and International and Non-Governmental Organizations. It finally met with the citizens of the two countries particularly those affected by the crisis, including the deportees and returnees.

Those numerous meetings enabled the Ambassadors to collect a huge quantity of information which they compiled in a comprehensive Report. The Committee of Ambassadors endeavoured with great care to reproduce, as faithfully as possible, the positions of each of the two parties and the evidence collected during its mission. The Committee submitted its report to the Ministerial Committee which met in Ouagadougou on 1 and 2 August 1998.

The Ministerial Committee informed the Ministers for Foreign Affairs of Eritrea and Ethiopia, whom it received separately, of the outcome of the fact-finding mission carried out by the Committee of Ambassadors. In turn, the two Parties gave their respective reactions to the observations made by the Ministerial Committee. That Ouagadougou Ministerial meeting was all the more encouraging as each Party reaffirmed, on that occasion, its trust in the OAU and its action and reiterated its commitment to cooperate with the Organisation in the search for a peaceful and negotiated solution. The maintenance of the present no-hostility situation and respect for the moratorium on air-strikes were indeed evidence of that confidence.

In all its efforts, the OAU High-Level Delegation has based its action on the relevant principles enshrined in the Charter of our continental Organisation, that is the settlement of disputes between OAU Member States by peaceful means; the non-use of force or the respect for the sacrosanct principle of the inviolability of the borders existing at independence. It is the strict compliance with these principles which, we think, constitutes the best guarantee for the respect of the sovereignty and inalienable right to independent existence of each OAU Member State.

While strongly wishing for a speedy solution to the crisis, our Delegation was constantly concerned about the need to take the necessary time to carry out, in the best manner, its peace mission. It seemed important for us to allow for an in-depth consideration of the situation, the positions and concerns of one another and to give time for reflection and allow for the cooling down of tempers in order to give ourselves the best chances to be most useful.

Additionally, the OAU ensured the need to give an African character and perspective to its action, imbued with understanding and brotherhood. It is not the first time that there is a dispute between two members of the same family. In such a situation, we should draw deeply from the fountain of African wisdom in order to find the necessary force to go beyond the constraints of the moment, transcend narrow considerations and accept to pay the price of peace.

Today, we are meeting to take stock of our efforts and we have great hopes that we will find in you a receptive mind for our brotherly initiative. We note the gap which still exists between your respective positions on the origin of the crisis and the ways and means of emerging from it.

In our reflection we have drawn the conclusion that the events which took place between 6 and 12 May 1998 were a fundamental element of the crisis that evolved between the two countries. Those were the events which revealed the crisis to the international community and with which the OAU was seized. It, therefore, appears fundamental that any search for a peaceful solution should take into due account this element.

We have also been led to the conclusion that the events prior to those of 6-12 May 1998 contributed to the gradual deterioration of the relations between the two countries. In the pursuit of justice and equity, it also seems indispensable that appropriate inquiries be carried out on the events between 6-12 May 1998 and those that preceded them such as the incidents that took place in July and August 1997. Those inquiries will make it possible to pinpoint the responsibilities for the deterioration of the situation between the two countries.

Apart from the divergent views of the two Parties on the origin and nature of the conflict, it should be pointed out that there is a general agreement on the modalities for the settlement of the border dispute based on the delimitation and demarcation of their common border. This convergence of views is not, however, translated into reality due to the difference that continues to exist between the two Parties regarding the approach.

While the Ethiopian side demands the prior withdrawal of Eritrean forces from Badme and its environs and the restoration of the status quo ante, the Eritrean side proposes the demilitarization of the common border through the simultaneous withdrawal of the forces of the two Parties.

Our major concern has been and still is to know how to reconcile these two positions. We sincerely believe that a comprehensive solution based on the redeployment of the forces present in Badme and its environs to the positions before 6 May 1998 which would be monitored by a Group of Observers and followed by the demilitarization of the entire common border is an approach which deserves to be considered by the two Parties.

The solution which we are proposing is based on the principle that each of the Parties must be willing to make a concession to facilitate the attainment of a comprehensive and peaceful solution to the crisis. This concession made by one

another will be the key to a comprehensive Peace Agreement the details of which will be submitted to you in a separate document. Such Agreement would also address the humanitarian dimension of the crisis and, particularly the consequences on the persons who had been deported and who might have suffered loss of property. The OAU and the UN would be the guarantors of the implementation of the Agreement. They would also help in mobilizing resources to assist the Parties in the implementation of the Agreement.

In submitting officially, on behalf of the OAU High-Level Delegation, these recommendations to you, may I underscore that the resolution of the present crisis is as much a challenge for Africa as it is for Ethiopia and Eritrea: challenge for Africa and the OAU as regards its capacity to find solutions to conflicts between its Member States; but also a challenge for Ethiopia and Eritrea as regards their attachment to the OAU principles and respect for our Organization.

This is our humble contribution to the search of a peaceful, just and lasting solution to the crisis between your two countries. We hope that it will engage your kind attention. We are aware of the effort and the sacrifice that you will have to make in the name of peace. It is in the name of that peace that we wish to see restored to your two countries, that we solemnly appeal to you to seriously consider the recommendations that we are submitting to you.

We do realize the importance of reaction that is expected from you. We suggest that you take some time to reflect on the proposals. We shall resume our consultations later this evening or tomorrow morning to listen to you.

I thank you".

33. The OAU High-Level Delegation also approved a set of proposals for a Framework Agreement for a peaceful settlement of the dispute between Eritrea and Ethiopia. These proposals are as follows :

"We, the Heads of State and Government, mandated by the 34th Ordinary Session of the Assembly of Heads of State and Government of the Organisation of African Unity, held in Ouagadougou, Burkina Faso, from 8 to 10 June 1998, to contribute towards the search for a peaceful and lasting solution to the

unfortunate conflict which erupted between the two brotherly countries, the State of Eritrea and the Federal Democratic Republic of Ethiopia;

- *Deeply affected by the outbreak of the conflict between the two countries that are united by historic links of brotherhood and a common culture;*

- *Saddened by this conflict which occurred at a time when the Federal Democratic Republic of Ethiopia and the State of Eritrea had launched a new era of relations built on a partnership and a common vision and ideals as regards the future of their peoples, the region and the whole continent;*

- *Noting, however, that differences had emerged between the two countries relating particularly to their common border, differences which the two countries endeavoured to resolve peacefully;*

- *Deploring the fact that, notwithstanding those efforts, an open conflict broke out between the two brotherly countries, with which our 34th Summit was seized;*

- *Paying tribute to the commendable efforts made by friendly countries aimed at finding a peaceful solution to the conflict;*

- *Conscious of the fact that resorting to the use of force results in loss of human lives, the destruction of property and socio-economic infrastructures as well as creating a division between the peoples, all the things which the two brotherly countries and our continent cannot afford at a time when all efforts must be channelled towards the promotion of peace and development which we greatly owe to our peoples;*

- *Encouraged by the commitment made by the two Parties to the OAU High-Level Delegation to settle the conflict peacefully and by their positive response to its appeal to continue to observe the moratorium on air strikes and to maintain the present situation of non-hostilities;*

- *Having considered and endorsed the Report and Recommendations of the Committee of Ambassadors, as submitted by the Ministerial Committee to the Parties on 1 August 1998 in Ouagadougou, Burkina Faso;*

- *Having listened to the two Parties and made an in-depth analysis of their respective positions, taking into account their legitimate concerns and after having thought deeply about the ways and means likely to contribute to the peaceful settlement of the crisis in a fair and objective manner;*

- *MAKE on behalf of Africa, its peoples and leaders, a solemn and brotherly appeal to the Leaders of the State of Eritrea and the Federal Democratic Republic of Ethiopia to do everything in their power to opt for a peaceful settlement of the dispute and find a just and lasting solution to the conflict;*

SUBMIT, hereunder, for the consideration of the two Parties, the elements of a Framework Agreement based on the following principles:

- *resolution of the present crisis and any other dispute between them through peaceful and legal means in accordance with the principles enshrined in the Charter of the Organization of African Unity;*

- *rejection of the use of force as a means of imposing solutions to disputes;*

- *respect for the borders existing at independence as stated in Resolution AHG/Res.16(I) adopted by the OAU Summit in Cairo in 1964 and, in this regard, determine them on the basis of pertinent colonial Treaties and applicable international law, making use, to that end, of technical means to demarcate the borders and, in the case of controversy, resort to the appropriate mechanism of arbitration.*

We recommend that :

1. The two Parties commit themselves to an immediate cessation of hostilities;

2. In order to defuse tension and build confidence, the two Parties commit themselves to put an immediate end to any action and any form of expression likely to perpetrate or exacerbate the climate of hostility and tension between them thereby jeopardizing the efforts aimed at finding a peaceful solution to the conflict;

3. In order to create conditions conducive to a comprehensive and lasting settlement of the conflict through the delimitation and demarcation of the border, the armed forces presently in Badme Town and its environs, should be redeployed to the positions they held before 6 May 1998 as a mark of goodwill and consideration for our continental Organization, it being understood that this redeployment will not prejudge the final status of the area concerned, which will be determined at the end of the delimitation and demarcation of the border and, if need be, through an appropriate mechanism of arbitration;

4. This redeployment be supervised by a Group of Military Observers which will be deployed by the OAU with the support of the United Nations. The Group of Military Observers will also assist the reinstated Civilian Administration in the maintenance of law and order during the interim period;

5. a) The redeployment be subsequently extended to all other contested areas along the common border within the framework of demilitarisation of the entire common border and as a measure for defusing the tension and facilitating the delimitation and demarcation process. In effect, the demilitarisation which will begin with the Mereb Seitit segment, will then extend to the Bada area and the border as a whole;

b) The demilitarisation process be supervised by the Group of Military Observers;

6. a) The two parties commit themselves to make use of the services of experts of the UN Cartographic Unit, in collaboration with the OAU and other experts agreed upon by the two Parties, to carry out the delimitation and demarcation of the border between the two countries within a time-frame of 6 months which could be extended on the recommendation of the cartographic experts;

b) Once the entire border has been delimited and demarcated, the legitimate authority will immediately exercise full and sovereign jurisdiction over the territory which will have been recognized as belonging to them;

7. In order to determine the origins of the conflict, an investigation be carried out on the incidents of 6 May 1998 and on any other incident prior to that date which could have contributed to a misunderstanding between the two Parties regarding their common border, including the incidents of July-August 1997;

8. a) At the humanitarian level, the two Parties commit themselves to put an end to measures directed against the civilian population and refrain from any action which can cause further hardship and suffering to each other's nationals;

b) The two Parties also commit themselves to addressing the negative socio-economic impact of the crisis on the civilian population, particularly, those persons who had been deported;

c) In order to contribute to the establishment of a climate of confidence, the OAU, in collaboration with the United Nations, deploy a team of Human Rights Monitors in both countries;

9. a) In order to determine the modalities for the implementation of the Framework Agreement, a Follow-up Committee of the two Parties be established under the auspices of the OAU High-Level Delegation with the active participation and assistance of the United Nations;

b) The Committee begin its work as soon as the Framework Agreement is signed;

10. The OAU and the UN working closely with the international community, particularly, the European Union, endeavour to mobilize resources for the resettlement of displaced persons and the demobilization of troops currently deployed along the common border of both countries;

11. The Organization of African Unity, in close cooperation with the United Nations, will be the guarantor for the scrupulous implementation of all the provisions of the Framework Agreement, in the shortest possible time".

34. The proposals were formally submitted to both Parties by the Current Chairman on behalf of the OAU High-Level Delegation on the evening of 7 November, 1998. It is to be noted that the OAU High-Level Delegation was not able to meet separately with the two Parties on 7 November, as initially planned,

due to the reservations expressed to the Current Chairman by President Isaias Afwerki of Eritrea on the presence at the meeting of Djibouti whom, he alleged, « is supporting Ethiopia in its war effort ».

35. The following day and after consultations undertaken by the Current Chairman and President Mugabe, the OAU High-Level Delegation met separately with the two Parties.

36. The Delegation met first with Prime Minister Meles Zenawi, who welcomed the efforts and proposals of the OAU High-Level Delegation. He sought a number of clarifications from the OAU High-Level Delegation related to the following points :

- Identification of the troops to be redeployed from Badme Town and its environs which, according to him, are « Eritrean troops ».

  On this issue, the High-Level Delegation confirmed that the reference is to Eritrean troops;

- The definition of Badme Town and its environs, which he understands to be « all Ethiopian territory occupied after May 6, 1998 ».

  The High-Level Delegation took note of the position of Prime Minister Meles Zenawi. There was, however, no further discussion on the issue;

- The Civilian Administration which, according to him, « should include the restoration of the Administration with its law enforcement organs minus regular troops ».
  The High-Level Delegation agreed with Prime Minister Meles Zenawi that the Group of Military Observers was not expected to replace the Civilian Administration in its law enforcement responsibilities. Rather, it was the view of the High-Level Delegation that the Group of Military Observers would assist, as appropriate, the Administration in the maintenance of law and order.

37. During the meeting with President Isaias Afwerki, the latter also expressed his deep appreciation for the efforts exerted by the OAU High-Level Delegation to help bring about a peaceful resolution of the conflict. In his Statement :

- *he reiterated that « the conflict between Ethiopia and Eritrea is a border dispute which can only be resolved by the scrupulous respect of Eritrea's inherited Italian colonial boundaries » which, according to him, have been « flagrantly violated by Ethiopia »;*

- *he also reiterated the fact that « both sides should commit themselves to the cardinal principle of the rejection of the use of force to resolve the dispute ». In this regard, he reaffirmed « Eritrea's commitment to cessation of hostilties »;*

- *he considered « the cessation of hostilities as a sufficient condition for the deployment of an observer force and for bringing about an expeditious demarcation »;*

- *he stated that, pending « the investigation to be carried out on the incidents of July-August, 1997 and of May, 1998, any pronouncement on the origins of the conflict is not justifiable ». He added that « if it was a matter of goodwill. then the onus should be on both Parties » and that « the same logic applies to the issue of administration »;*

- *finally, he stated that « the detention and deportation of innocent civilians on account of their nationality is being carried out solely by Ethiopia and that fairness demands that appeal by the Summit be directed only to the culpable Party ».*

38. Following its separate meetings with the leaders of Ethiopia and Eritrea, the OAU High-Level Delegation assessed the outcome of the meeting. The leaders agreed that an important step has been reached in submitting the proposals to both Parties. They held the view that the onus was now on the Parties to react to the proposals. They also agreed that the OAU High-Level Delegation will remain available to pursue its efforts pending the meeting of the Central Organ at Summit Level to which they are expected to report on their efforts. Finally, they adopted a Press Communique which reads as follows :

"The OAU High-Level Delegation on the Dispute between Eritrea and Ethiopia met in Ouagadougou, Burkina Faso, on 7 and 8 November 1998, under the chairmanship of H.E. Blaise COMPAORE, President of Burkina Faso and

Current Chairman of the OAU. H.E. Hassan Gouled Aptidon, President of the Republic of Djibouti and H.E. Robert Gabriel Mugabe, President of the Republic of Zimbabwe, participated in the meeting.

H.E. Dr. Salim Ahmed Salim, Secretary General of the Organization of African Unity, also participated in the meeting.

The UN Secretary General was represented by Ambassador Mohamed Sahnoun, as Observer.

The OAU High-Level Delegation considered and adopted a set of proposals constituting elements of a Framework Agreement for a Peaceful Settlement of the Dispute between Ethiopia and Eritrea. Those proposals were communicated to H.E. Isaias Afewerki, President of the State of Eritrea, and H.E. Meles Zenawi, Prime Minister of the Federal Democratic Republic of Ethiopia, by the Current Chairman of the OAU, on behalf of the High-Level Delegation.

The two leaders were received separately by the OAU High-Level Delegation which listened to their preliminary observations and provided clarification on some aspects of the proposals as requested by the Parties.

The OAU High-Level Delegation reiterated to the two Parties its full disposition to pursue its efforts and urged them to communicate subsequently their definitive response to the proposals submitted to them.

In the meantime, the OAU High-Level Delegation reiterates its appeal to the two Parties to continue to exercise maximum restraint.

The OAU High-Level Delegation expresses its high appreciation to the two Parties for the confidence they place in the OAU.

The OAU High-Level Delegation will submit a report on its efforts to the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution at its next Session at Summit level.

Ouagadougou, 8 November, 1998"

39. At the end of the meeting, the members of the OAU High-Level Delegation agreed that the Current Chairman should write to OAU Heads of State and Government and convey to them the proposals submitted to the Parties. They also agreed that the representative of the Current Chairman should brief separately the EU and US representatives in Ouagadougou and make the proposals available to them. This decision was made in view of the role and involvement of the EU and the USA in the efforts aimed at finding a peaceful solution to the dispute.

40. It was further decided that President Compaoré and the Secretary General should go and meet with President Isaias Afwerki and Prime Minister Meles Zenawi before their departure from Ouagadougou. They seized the opportunity of their meetings with both leaders to express to them the appreciation of the OAU High-Level Delegation for their participation at the meeting and to reiterate their appeal for restraint while the efforts are still going on.

41. After the meeting of the OAU High-Level Delegation in Ouagadougou, Ethiopia and Eritrea issued, on 9 November, 1998 Press Communiques (see Annexes III and IV).

42. It is to be noted that, after the Ouagadougou meeting of the OAU High-Level Delegation, Prime Minister Meles Zenawi addressed a letter, on 12 November, 1998, to the OAU Current Chairman, conveying to him the Ethiopian Government's formal and official acceptance of the High-Level Delegation's peace proposals « as clarified at our meeting in Ouagadougou » (Annex V).

43. It is also to be noted that both the EU and the United Nations Security Council issued, on 13 November, 1998, Statements on the outcome of the Ouagadougou meeting of the OAU High-Level Delegation. The Statement of the EU reads as follows :

> "***Following the briefing by the Current Chair of OAU, the European Union commends the efforts of the OAU High-Level Delegation to contribute to a peaceful settlement of the Ethio-Eritrean conflict at its meeting under the chairmanship of H.E. Blaise Compaoré, President of Burkina Faso and Current Chairman of the OAU, H.E. Hassan Gouled Aptidon, President of the Republic of Djibouti, and H.E. Robert Gabriel Mugabe, President of the Republic of Zimbabwe, in Ouagadougou, on 7/8 November 1998.***

The European Union strongly supports the OAU High-Level Delegation's proposals for a framework agreement and urges both parties to commit themselves to full and unequivocal acceptance of these proposals.

In this context the EU positively notes that one side has so far fully accepted the OAU proposals and hopes that the other side, which has not rejected them, will be able to agree with them in a very near future. The EU remains ready to contribute to the implementation of these proposals. The European Union further endorses the appeal of the OAU High-Level Delegation to the two Parties to exercise maximum restraint".

44. The Statement made by the President of the UN Security Council reads as follows :

"The Members of the Council confirmed the Council's full support for the OAU's efforts to promote a settlement between Ethiopia and Eritrea. The Council supports the proposals of the OAU Heads of State on Ethiopia and Eritrea which are fair and balanced. The Council encourages the parties to be flexible and to give serious consideration to the proposals. The Council calls on the parties to refrain from the use of force as they explore a peaceful resolution of the conflict through this process. The Council asks that the parties guarantee the safety and freedom of operation of NGOs. The Council invites the Secretary General to consider how the United Nations might respond to the OAU's request for UN support should the OAU's proposals be accepted by both parties. And finally, the Council commends the efforts of Ambassador Sahnoun, the Special Envoy, as well as commending those bilateral efforts which are currently underway on this same problem".

Appendix I

The Press Release issued by the Ethiopian Ministry of Foreign Affairs, on 4th August 1998, reads as follows :

Ethiopia's Foreign Minister, Ato Seyoum Mesfin, returned to Addis Ababa late Monday, 3 August 1998, from Ouagadougou, capital of Burkina Faso, where talks had been held with the Organization of African Unity (OAU) Mission at Ministerial level, composed of Burkina Faso, Djibouti and Zimabwe and the OAU Secretary General, Salim Ahmed Salim.

The purpose of the talks was to discuss with the Ethiopian and Eritrean sides the Report of the fact-finding Committee of Ambassadors constituted by the OAU High-Level Delegation on helping to resolve the crisis between Ethiopia and Eritrea.

The Mission of the Committee of Ambassadors had been :

- ***To collect information from the two Parties on the development of the crisis;***
- ***To collect, from the two Parties or any other appropriate international organization and agency, information which would make it possible to determine the authority which was administering Badme before 12 May, 1998.***

Foreign Minister Seyoum said when he returned from the talks in Ouagadougou that the OAU Mission at Ministerial level had made available to the two Parties the Report of the Committee of Ambassadors which concluded in its findings that :

- ***Ethiopia was administering Badme Town and its environs before 12 May 1998;***
- ***What happened in Badme between 6 and 12 May 1998 constitutes a fundamental element of the crisis.***

Foreign Minister Seyoum further noted that the conclusion of the fact-finding Committee of Ambassadors has exposed the fact that all the assertions to the contrary made by the Eritrean regime were blatant lies.

Meanwhile, the Ministry of Foreign Affairs said the report heard on the BBC on 4 August 1998 that Ethiopian Foreign Minister Seyoum Mesfin, had ordered a « neutral zone held by UN and OAU soldiers as an act of goodwill » was incorrect. This is a result of misinformation spread once again by the Eritrean Foreign Minister to confuse the international community, the Ministry added.

Tuesday, 4 August, 1998 »

Appendix II

The Press Release issued by the Ministry of Foreign Affairs of Eritrea on 5 August 1998 reads as follows :

« The OAU Ministerial on the border conflict between Eritrea and Ethiopia will submit its recommendations to the Heads of State of the three countries in the next few days. The Committee underlined that these recommendations « will be fair and take into account the legitimate concerns of the Parties and the ideals of the OAU ».

The Ministerial Committee, which is composed of Burkina Faso, Zimbabwe and Djibouti, was convened in Ouagadougou from August 1 to 2, 1998, to review the findings of the Committee of Ambassadors that had visited Eritrea and Ethiopia earlier this month. Separate sessions with the Foreign Ministers of Eritrea and Ethiopia were also held to exchange views and explore avenues of a peaceful solution.

In its final communique, the Ministerial Committee welcomed « the disposition reiterated by both Parties to seek a peaceful solution to the dispute » and urged them « to continue their observance of the moratorium on air strikes and the present situation of no hostilities ». The Government of Eritrea had expressed its readiness for an immediate and unconditional cessation of hostilities and the placement of African observers under the auspices of the United Nations pending a comprehensive peaceful solution to the conflict. But Ethiopia's Foreign Minister told the Ministers that Ethiopia did not accept the cessation of hostilities and the placement of an observer force.

With regard to the substantive aspects of the conflict, the Ministerial Committee acknowledged that the two Parties continue to hold « divergent points of view both on the origin and evolution of the dispute and the issues which must be considered to resolve the crisis ». But it added that this should not preclude « the spirit of compromise to prevail », which will make it possible to respond to the fundamental concerns of each of the Parties while respecting the principles of the OAU.

The Government of Eritrea had all along maintained that the root cause of the dispute lay in Ethiopia's violation of Eritrea's colonial boundaries. Focus on secondary issues will therefore be unhelpful and only derail the peace process. Ethiopia's insistence on ascertaining first « which authority was administering Badme prior to the clashes of May 6 » was thus an obstructive posture mainly designed to divert the peace process. This glossed over Ethiopia's use of force earlier in July 1997 to occupy Adi-Murug as well as to encroach on areas around Badme. Under these circumstances, « administration » in itself was not valid if the process by which that administration had been established was illegal. What is of paramount importance is to establish where Badme, Adi Murug and other areas were situated within the recognized boundaries.

The Ministerial Committee emphasized that it « understands the viewpoint of Eritrea on the origin of the conflict » and underlined its concerns « about the incidents which would have taken place at other places on the common border in July 1997 ». It noted that Badme Town was administered by the Ethiopian authorities prior to the eruption of the recent round of clashes. But it acknowledged that this « does not obviously prejudge the final status of that area which will be determined at the end of the delimitation and demarcation process and, if necessary, through arbitration ».

With regard to violations of human rights and treatment of nationals by both sides, the Ministerial Committee stated that « it could not establish the reality of a systematic or official action directed against Ethiopians in Eritrea ». But it expressed its deep concern on « the conditions in which the deportation of Eritreans was carried out by the Government of Ethiopia, the decision to extend those measures to the families of the deported persons and the fate of their properties ».

Ministry of Foreign Affairs,
Asmara, August 5, 1998. »

Appendix III

The Press Release issued on Monday, 9 November, 1998 by the Office of the Spokesperson of the Government of the Federal Democratic Republic of Ethiopia reads as follows :

"An OAU Committee which met this weekend in Ouagadougou presented a peace proposal to both Ethiopia and Eritrea. The proposal was consistent with the previous OAU resolution which stated that Eritrea should withdraw from Badme and its environs to positions held before 12th May and that the Ethiopian civilian administration should return.

Points of clarification were raised by the Ethiopian delegation, which was led by Prime Minister Meles Zenawi. Clarification was sought as it was important that all points be stated clearly, especially when taking into consideration the Eritrean government's tendency to be selective about facts that emerge from such meetings. Considering the proposal and the satisfactory clarification of these points, Ethiopia fully accepted the proposed OAU plan.

On the Eritrean side, talk of Badme was deemed to be trivialising the matter. Badme was a side issue, the real issue was solving the border conflict. Eritrea rejected the proposed plan, stating that any withdrawal could never be accepted.

This contemptuous response reflected President Isaia's previous statement : "We have always been there (Badme) and we are there to stay" and "an Eritrean withdrawal from Badme is unthinkable – it is like assuming that the sun would never rise".

Eritrea's continued rejection of a peaceful solution is in keeping with its past contempt for its neighbours, its previous dismissal of the OAU, its arrogant disregard for international law and for international bodies whose views have been so pointedly rejected.

As a result of Eritrea's intransigence the Ouagadougou Summit was forced to conclude that it should pass the peace plan and the responses elicited from both parties to the OAU's central body for conflict resolution".

Appendix IV

The Press Release issued on Monday, 9 November, 1998 by the Ministery of Foreign Affairs of the State of Eritrea reads as follows :

"The OAU Committee of Heads of State on the conflict between Eritrea and Ethiopia that met in Ouagadougou between May 7-8 has called on both sides to reflect on the talking points handed over to them. It announced that the problem would be further discussed at the next meeting of the OAU Central Organ which will be held next December.

The Committee took this decision because it could not sufficiently bridge the gap between the two sides. As always, the main stumbling block was Ethiopia's pre-condition of an unconditional Eritrean withdrawal from territory that is Eritrean. Eritrea's insistence that the meeting "should at least emerge with a signed agreement for the cessation of hostilities even if all outstanding issues could not be resolved at one go" could not materialise because of Ethiopia's outright rejection.

The OAU's talking points centered on : the cessation of hostilities; the demarcation of the boundaries within 6 months; an investigation of the incidents of July-August 1997 and May 6 in order to determine the origins of the conflict, and the demilitarisation of the border areas and a commitment to address the impact of the crisis on the civilian population and particularly deportees. In addition, the Committee felt that "armed forces presently in Badme be redeployed as a mark of goodwill" and as a "cure for the humiliation" that Ethiopia laments it had suffered in the clashes that occured in May.

Eritrea welcomed the OAU's ongoing peace efforts and regarded the Ouagadougou meeting as positive, providing a forum for a better understanding of all the pertinent issues. Its recognition that the conflict did not start in May 1998 but that it goes back to July 1997 and its call for an investigation into these events is significant since it has a bearing on the framework for a peaceful solution.

President Isaias Afwerki submitted the following points – which were further extensively discussed with the OAU Committee – that Eritrea felt should be incorporated to provide a sound basis for a lasting peaceful solution to the border conflict.

1. It has been Eritrea's consistent view that the conflict between Eritrea and Ethiopia is a border dispute that must be resolved by scrupulous respect of Eritrea's inherited Italian colonial boundaries. In this respect, I wish to emphasise that Ethiopia has flagrantly violated this cardinal principle by perpetrating an act of aggression at two levels : i) its issuance of a new map in October 1997 which illegally incorporated large areas of Eritrean territory; and ii) its military acts to create facts on the ground to incorporate the areas claimed on the illegal map; the first vivid precursor of these acts of aggression being the occupation of Adi Murug and incursions in the Badme area in July 1997.

Moreover, it has shown no intention of accepting and respecting Eritrea's colonial boundaries. A lasting peaceful solution, however, requires that Ethiopia rescind its illegal claims on Eritrea and declare, without equivocation, that it respects the colonial boundaries between the two countries that were delimited in accordance with the Treaties of 1900, 1902 and 1908. It is these same boundaries that have constituted Eritrea's frontiers since then. This unequivocal formulation, which is indeed a pre-requisite for the technical work of demarcation of the boundary between the two countries that will have to be carried out expeditiously under the auspices of the UN Cartographic Unit, must be reflected clearly in the principles that underpin a peaceful resolution of the conflict. I urge Your Excellencies to ensure that this crucial element is given the weight that it deserves, as without it there cannot be a peaceful solution.

2. Another cardinal principle that both sides must commit themselves to is the rejection of the use of force to resolve the border dispute. In this regard, I must re-iterate that it is Ethiopia which has repeatedly resorted to the use of force. This is not only true for the events of July 1997 but also for those of May 6, 1998. This is why Eritrea has been calling from the very beginning for an investigation into those events. Ethiopia, on the other hand, did not only commit those acts of aggression, but continues to publicly declare its desire to use force to impose a solution as illustrated by the resolution of its Parliament on May 13, 1998 and repeated pronouncements thereafter.

In this context, I wish to re-afffirm to Your Excellencies Eritrea's commitment to a cessation of hostilities. I urge you to impress on the other side to make the same commitment. Even if we cannot resolve all the outstanding issues at once go in this Summit, we should at least emerge from this gathering with a signed agreement on the cessation of hostilities.

3. A cessation of hostilities is certainly a sufficient condition for the deployment of an observer force and for carrying out an expeditious demarcation. If it is accepted that "in order to determine the origins of the conflict" an investigation needs to be carried out into the incidents of July-August 1997 and 6 May 1998, then obviously any pronouncement that prejudges "the origins of the conflict" is not justifiable. If it is a matter of goodwill, then the onus must be on both parties. The same logic applies to the issue of "administration". Certainly, no sovereign nation can countenance the administration of its own territory by a foreign country. I urge Your Excellencies to ensure that these fundamental points are incorporated.

4. Although I do not wish to dwell on issues tangential to the border dispute, important as these are in their own right, I must nonetheless state that detention and deportation of innocent civilians on account of their nationality is being carried out solely by Ethiopia. Fairness demands that appeals by the Summit be directed only to the culpable party.

Ministry of Foreign Affairs
Asmara, November 9, 1998".

Appendix V

The letter from Prime Minister Meles Zenawi of Ethiopia to the Current Chairman of the OAU, H.E. Blaise Compaore, President of Burkina Faso, reads as follows :

« Excellency and Dear Colleague,

Allow me to once again thank Your Excellency and Your Colleagues in the OAU High-Level Delegation for your tireless efforts to resolve the dispute between Ethiopia and Eritrea.

I am sure Your Excellency would recall that in our Ouagadougou Summit I had requested some clarification on Paragraphs 3 and 4 of the peace proposal. It is also to be noted that the High-Level Delegation underscored in its clarification, that with regards to article 3, the Eritrean forces are to withdraw from all Ethiopian border territories that they have occupied since May 6, 1998. I wish to refer as well to the confirmation made to me by the High-Level Delegation, in clarifying article 4 of the peace proposal that the Ethiopian Civilian Administration which will be reinstated in those areas will have the responsibility to enforce law and order and that in this context it will have all the necessary organs of law and order except the army. The Observer Group, as confirmed to me, is to assist the civilian administration in enforcing law and order on the basis of the request that the civilian administration might make.

Your Excellency will no doubt recall that upon receiving the clarifications mentioned above I stated to the Committee that I would give the Delegation my tentative acceptance of the peace proposal as clarified by the High-Level delegation. I also indicated that I will convey the Ethiopian Government's formal and official acceptance of the same after consulting my colleagues. I am very pleased, in this connection, to inform you that the Ethiopian Government has now formally and officially accepted the High-Level Delegation's peace proposal as clarified at our meeting in Ouagadougou.

I would be most grateful if Your Excellency were to communicate this formal and official response of the Government of Ethiopia to all concerned.

/...

Please accept, Excellency and Dear Colleague, the assurances of my highest consideration.

(Signed) MELES ZENAWI
Prime Minister

H.E. Mr. Blaise COMPAORE
President of Burkina Faso
Ouagadougou

cc : ***H.E. Mr. El Hadj Hassan Gouled Aptidon***
President of the Republic of Djibouti
Djibouti,

H.E. Mr. Robert Gabriel Mugabe
President of the Republic of Zimbabwe
Harare

H.E. Dr. Salim Ahmed Salim
Secretary General of the OAU
Addis Ababa »